

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Commercial Advertisement)	MB Docket No. 11-93
Loudness Mitigation (CALM) Act)	
)	

Filed via ECFS under Docket No. 11-93

REQUEST FOR WAIVER DUE TO FINANCIAL HARDSHIP

AGAPE CHURCH, INC. ("Agape"), licensee of stations KVTN-DT, KVTH-DT, and KVTJ-DT, herein requests a waiver of the effective date of the rules implementing the CALM Act on the basis of "**financial hardship**", pursuant to the Report and Order entitled *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act* (FCC 11-182, MB Docket No. 11-93; hereafter, "the Order"), with respect to the above-captioned stations. This waiver request is made in accordance with the Order's "**streamlined financial hardship**" waiver process for small stations.

In paragraphs 52 and 53 of the Order, the Commission states: "a small station or MVPD (as we define below) that seeks a waiver must file with the Commission a certification that it: (1) meets our definition of small for this purpose, and (2) needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner. The station or MVPD is not required to submit any proof of financial condition." The Commission goes on to define a "small broadcast station" as "either a station with no more than \$14.0 million in annual receipts or that is located in television markets 150 to 210."

Station KVTN-DT certifies that it is a small broadcast station with no more than \$14.0 million in annual receipts, and that it needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.

Station KVTH-DT certifies that it is a small broadcast station with no more than \$14.0 million in annual receipts, and that it needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.

Station KVTJ-DT certifies that it is a small broadcast station by virtue of the fact that it is within the Jonesboro DMA (DMA rank 181), and that it needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.

As specified in footnote 226 to paragraph 52 of the Order, stations seeking a waiver using the "streamlined financial hardship" approach "must identify or provide a description of the kind of equipment it intends to obtain; however, it need not specify the model number." Due to legacy analog equipment still present within Agape's Studio-to-Transmitter Link ("STL"), the above-listed stations do not have current capabilities to send audio metadata to the ATSC encoders. In order to comply with the CALM Act by the deadline, Agape would have to use the "Fixed Metadata" approach and purchase specialized test equipment (Audio Loudness monitors or analyzers) for each of its three stations that would alert operators to the need to adjust the incoming program audio. Such test equipment would be superfluous when Agape replaces the legacy STL with a digital system. Agape envisions that it will

undertake digital upgrades to its STL within 12 to 24 months. After digital upgrades, Agape intends to install Automatic Level Control equipment that will automatically adjust the audio and/or metadata to allow the stations to comply with the CALM Act using the "Agile Metadata" approach mentioned in the ATSC's Recommended Practice.

Agape recognizes that if the requested delay of one year is insufficient time to comply with the rules promulgated in the Order, that it may apply for a renewal of the waivers requested herein for one additional year, in accordance with the Order (FCC 11-182, par. 50).

Respectfully submitted,

AGAPE CHURCH, INC.

By: _____

Jim Grant, General Manager
KVTN-DT / KVTH-DT / KVTJ-DT
701 Napa Valley Dr.
Little Rock, AR 72211
(501) 223-2525

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